

BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. REA-2007-44
CAROL LUNGREN,)	
License No. LRA-359,)	STIPULATION AND
)	CONSENT ORDER
Respondent.)	
)	

REA\Lungren\P70309lma

WHEREAS, information having been received by the Idaho State Board of Real Estate Appraisers (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Carol Lungren (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of real estate appraising in the State of Idaho in accordance with title 54, chapter 41, Idaho Code.

2. Respondent Carol Lungren is a licensee of the Idaho State Board of Real Estate Appraisers and holds License No. LRA-359 to practice as a real estate appraiser in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 41, Idaho Code.

3. Pursuant to Idaho Code § 54-4116, the Board has adopted a rule requiring continuing education as a condition of continued licensure. Board Rule 401 (IDAPA 24.18.01.401) requires each renewal application to be accompanied by certification of having attended and completed a minimum of 15 hours of instruction in Board-approved courses or seminars during each year prior to renewal.

4. On or about February 2, 2005, Respondent submitted her License Renewal Application for the 2005-06 renewal year. As part of her License Renewal Application, Respondent certified that she had met the continuing education requirements as prescribed by the laws and rules applicable to the license for which she was applying to renew and that documented proof of her attendance was in her possession and would be provided upon request.

5. On or about January 20, 2006, Respondent submitted her License Renewal Application for the 2006-07 renewal year. As part of her License Renewal Application, Respondent certified that she had met the continuing education requirements as prescribed by the laws and rules applicable to the license for which she was applying to renew and that documented proof of her attendance was in her possession and would be provided upon request.

6. Each of the License Renewal Applications further notified Respondent that the Board would conduct random audits to ensure compliance with continuing education requirements. Respondent was notified that she had been selected for a continuing education audit. Respondent was requested to provide documentation to the Bureau of Occupational Licenses to confirm completion of the Board's continuing education requirements.

7. On or about September 27, 2006, Respondent submitted to the Bureau of Occupational Licenses her Continuing Education Audit Verification and Certificate of Compliance with supporting documentation.

8. The Continuing Education Audit Verification and Certificate of Compliance submitted by Respondent reflects that Respondent attended no continuing education for the one year periods prior to her renewals on or about February 2, 2005, and January 20, 2006.

9. Despite certifying on her License Renewal Applications on or about February 2, 2005, and again on or about January 20, 2006, that she had met the Board's

continuing education requirement, Respondent failed to obtain 15 hours of continuing education for the year prior to her renewals on each of those dates.

10. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of real estate appraising, specifically Idaho Code §§ 54-4107(1)(a), (c) and (d) and 54-4116 and IDAPA 24.18.01.401.02. Violations of these laws and rules would constitute grounds for disciplinary action against Respondent's license to practice real estate appraising in the State of Idaho.

11. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against her license as set forth in Section C below.

B.

I, Carol Lungren, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in Section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice real estate appraising in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraising in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this Stipulation and Consent Order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. License No. LRA-359 issued to Respondent Carol Lungren is hereby SUSPENDED for a period of thirty (30) days. During the 30-day mandatory suspension period, Respondent shall not practice real estate appraising in the State of Idaho. The 30-day mandatory suspension period shall commence ~~seven (7) days from the date of entry of the Board's Order.~~ ^{on May 1, 2007.}

2. Respondent shall pay to the Board an administrative fine in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.

3. At the time Respondent renews her license in 2007, 2008 and 2009, Respondent shall submit with her License Renewal Application documentation verifying completion of the required continuing education.

4. All costs associated with compliance with the terms of this Stipulation and Consent Order are the sole responsibility of Respondent.

5. The violation of any of the terms of this Stipulation and Consent Order by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation and Consent Order shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this settlement agreement, and if rejected by the Board, an administrative Complaint will be filed. By signing this document, Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the Complaint based on the fact that the Board has considered and rejected this settlement agreement. Pursuant to Idaho Code § 67-5252, Respondent retains the

right to otherwise challenge the impartiality of any Board member to hear the allegations in the Complaint based upon bias, prejudice, interest, substantial prior involvement in the case or any other reason provided by law or for any cause for which a judge is or may be disqualified.

3. If the Board does not accept this Stipulation and Consent Order then, except for Respondent's waiver set forth in Paragraph D(2), above, it shall be regarded as null and void and admissions by Respondent herein will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. With the exception of Paragraph D(2), above, which becomes effective upon Respondent signing this document, this Stipulation and Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-4107. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether or not Respondent has defaulted under this agreement. The Chief shall also serve notice of the default hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of default hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations of default will be deemed admitted.

b. At the default hearing, the Board and Respondent may submit affidavits made on personal knowledge and present oral argument based upon the record

in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

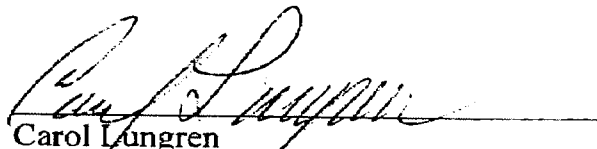
c. At the default hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 5 day of April, 2007.


Carol Lungren
Respondent

I concur in this stipulation and order.

DATED this 5th day of April, 2007.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Emily Mac Master
Emily A. Mac Master
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-4106, the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 10th day of April, 2007. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF REAL ESTATE APPRAISERS

By Paul Morgan
Paul Morgan, Chair

CERTIFICATE OF SERVICE

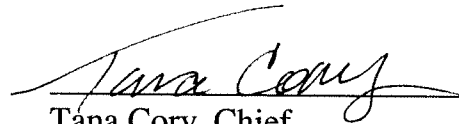
I HEREBY CERTIFY that on this 10th day of April, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

Carol Lungren
P.O. Box 731
Lake Fork, ID 83635

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Tana Cory, Chief
Bureau of Occupational Licenses